

FILED DEC 23 2009

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

In re CONSTAR INT'L INC. SECURITIES	)	Master File No. 03cv05020
LITIGATION	)	
_____	)	<u>CLASS ACTION</u>
This Document Relates To:	)	
	)	AMENDED SUPPLEMENTAL
ALL ACTIONS.	)	<del>PROPOSED</del> SCHEDULING ORDER
_____	)	

On March 5, 2008, the Court entered a Supplemental Joint Scheduling Order setting a discovery schedule for this action, including a discovery cut-off date of January 16, 2009. By Order dated May 20, 2008, the Court stayed this action pending final resolution of Defendants' appeal of the Court's March 5, 2008 Order approving the Report and Proposed Order of Special Master Diane M. Welsh granting class certification (the "Class Certification Order"). The Court of Appeals affirmed the Court's March 5, 2008 Class Certification Order on October 29, 2009.

Pursuant to a December 15, 2009 conference before Special Master Diane Welsh, the parties, through their undersigned counsel, hereby agree to this Amended Supplemental [Proposed] Scheduling Order pursuant to Rule 16 of the Federal Rules of Civil Procedure. This Amended Supplemental [Proposed] Scheduling Order sets a new discovery cut-off date, a new timeline for expert discovery and the filing of dispositive motions.

#### **I. FACT DISCOVERY**

Fact discovery shall recommence immediately and shall conclude no later than September 30, 2010.

#### **II. EXPERT DISCOVERY**

The discovery limitations set forth in the Federal Rules of Civil Procedure shall apply to expert discovery, and to the following timeline:

- (a) The party with the burden of proof on an issue shall serve any expert reports in support thereof no later than November 30, 2010;
- (b) The opposing party shall serve their rebuttal expert reports no later than January 14, 2011; and
- (c) Expert depositions may commence upon the filing of the initial reports, and shall be completed by March 1, 2011. Expert discovery shall close at that time.

### III. DISPOSITIVE MOTIONS

- (a) All motions for summary judgment, as well as any motion challenging an expert witness necessary to support a motion for summary judgment (for reasons stated in *Daubert v. Merrill Dow Pharms., Inc.*, 509 U.S. 579 (1993) and *Kumho Tire Co., Ltd. v. Carmichael*, 526 U.S. 137 (1999)) shall be filed no later than April 15, 2011;
- (b) Responses to motions for summary judgment and accompanying *Daubert* motions shall be served and filed no later than June 1, 2011;
- (c) Replies in further support of the motions shall be filed no later than July 1, 2011; and
- (d) Any additional challenges to an expert affidavit may be filed within 60 days of a decision on the summary judgment motions.

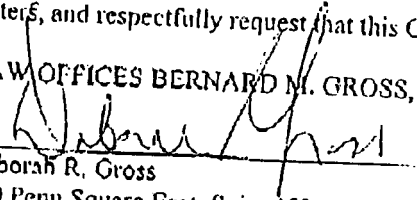
### IV. MISCELLANEOUS PROVISIONS

Following the summary judgment phase, the Court will conduct a conference to discuss a schedule for the remainder of the case, including motions *in limine* and other trial-related matters.

WHEREFORE, the parties hereby stipulate and agree to the entry of this Amended Supplemental [Proposed] Scheduling Order adopting the foregoing schedule for the conduct of discovery, the filing of further pleadings, and for other pretrial matters, and respectfully request that this Court so Order.

DATED: December 16, 2009

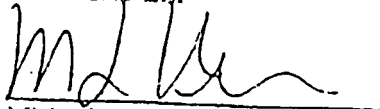
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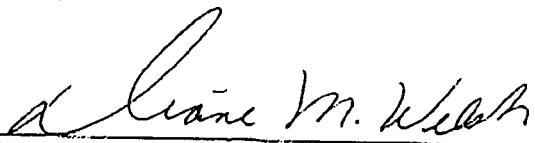
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\* \* \*

ORDER

IT IS SO RECOMMENDED.

DATED: December 18, 2009

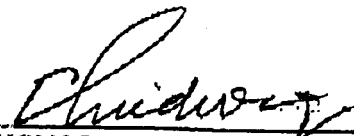
  
THE HONORABLE DIANE M. WELSH (RET.)  
SPECIAL MASTER

\* \* \*

ORDER

IT IS SO ORDERED.

DATED: 12/22/09

  
THE HONORABLE EDMUND V. LUGWIG,  
UNITED STATES DISTRICT JUDGE